

Amity Johnson
 Name
950 W. Cordova Rd. #117
Santa Fe, NM 87505
 Address

AR
 UNITED STATES DISTRICT COURT
 DISTRICT OF NEW MEXICO
 2023 FEB 14 AM 9:14
 CLERK SANTA FE

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

Amity S. Johnson, Plaintiff
 (Full Name)

CASE NO. CV 23-135
 (To be supplied by the Clerk)

v.

Seabourn Cruise Line, Defendant(s)

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Amity S. Johnson, is a citizen of New Mexico
 (Plaintiff) (State)
 who presently resides at 950 W. Cordova Rd. #117,
 (Mailing address or place of confinement)
Santa Fe, NM 87505

2) Defendant Seabourn Cruise Line ^{Corporation} is a citizen of
 (Name of first defendant)
Seattle, WA, and is employed as
 (City, State)
N/A. At the time the claim(s)
 (Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state law?
 Yes ☐ No ☐ If your answer is "Yes", briefly explain:

- 3) Defendant N/A is a citizen of
 (Name of second defendant)
N/A, and is employed as
 (City, State)
N/A. At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☐ No ☐ If your answer is "Yes", briefly explain:

N/A

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

Jurisdiction is invoked pursuant to 28 USC § 1331 (involves federal law) and 28 USC § 1332 (dispute among residents of different states with the amount in controversy over \$75,000).

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

I experienced consumer fraud and assault while on a cruise.

A friend of mine was diagnosed with breast cancer. To celebrate her life and our friendship, I purchased two tickets for a once-in-a-lifetime luxury cruise on The Seabourn Odyssey from Vancouver, Canada to Sydney, Australia (Sept. 30, 2022 - Dec 5, 2022).

The trip was expensive: \$80,000 with an additional \$8,000 Cancellation insurance.

Early on in the voyage, on Oct. 15, 2022, we anchored near Kona, Hawaii. While taking a tender ashore, I became seasick. I returned to the ship on the next tender and tried to return to my cabin without vomiting on any of the staff.

One staff person became insistent that I visit the ship's Medical Center.

XE- 2/7

-2-

I was not feeling well enough to walk to the Medical Center, and I also knew the feeling would subside, so I politely refused. →

He insisted, and when I refused again, he had me forcibly and victmly removed from the vessel.

All of my luggage was dumped on the shore.

I believe this removal was unnecessary, and that I am due a refund for this cruise.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

Racketeering in violation of 18 U.S.C. §§ 1951-1960.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Seabourn employees used robbery and extortion in furtherance of a scheme to collect an unearned profit.

B)(1) Count II:

- (2) Supporting Facts:

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: N/A

Defendants: N/A

b) Name of court and docket number:

N/A

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

d) Issues raised:

N/A

- e) Approximate date of filing lawsuit: N/A
- f) Approximate date of disposition: N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☒ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

88,000 Amount paid for cruise and travel insurance.
5,000 Airfare for unexpected return flight from Hawaii,
plus hotel stay.
13,200 Unexpected 6-mo lease in Santa Fe.
20,000 Pain, suffering, loss of 13-year friendship.

\$126,200

Signature of Attorney (if any)

amity johnson
Signature of Petitioner

Attorney's full address and telephone
number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Santa Fe, NM on Feb 14 2023
(Location) (Date)

Emily Johnson
(Signature)

Payment for Seabourn Odyssey Sept. 30, 2022 - Dec. 5, 2022.

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Cashier's Check - Customer Copy

No. 0096916667

Void After 90 Days

91-1701221

Date 07/08/22 10:10:37 AM

NAZ

BELLINGHAM

0003 0037071 0008

Pay

 BANK OF AMERICA **80000.00**

****\$80,000.00****

****Eighty Thousand and 00/100 Dollars****

To The SEABOURNE

Order Of

Not-Negotiable

Customer Copy

Retain for your Records

Remitter (Purchased By): AMITY S JOHNSON

457002931694

Bank of America, N.A.
PHOENIX, AZ

00-53-3364B 06-2019

Cashier's Check

No. 0096916667

BANK OF AMERICA 

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

91-1701221

Date 07/08/22 10:10:37 AM

NAZ

BELLINGHAM

0003 0037071 0008

Pay

 BANK OF AMERICA **80000.00**

****\$80,000.00****

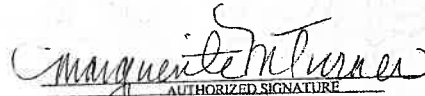
****Eighty Thousand and 00/100 Dollars****

To The SEABOURNE

Order Of

Remitter (Purchased By): AMITY S JOHNSON

Bank of America, N.A.
PHOENIX, AZ


AUTHORIZED SIGNATURE

00-53-3364B 06-2019

⑈0096916667⑈ ⑆122101706⑆ 457002931694⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

Payment for Travel Insurance for Seabourn Odyssey Sept. 30, 2022 - Dec. 5, 2022.

may affect your travel plans.

SEE SEABOURNSHIELD POLICY INFORMATION

SEABOURNSHIELD **\$4,185.94**
per person

- Travel Insurance Benefits reimburses losses for the following:
 - Trip Cancellation / Trip Interruption: up to your total trip cost (limited to \$50,000 per guest)
 - Trip Delay: up to \$1,000
 - Baggage Protection: up to \$3,000
 - Medical Expense Coverage: up to \$20,000
 - Emergency Evacuation Coverage: up to \$50,000, and coordinated by our 24-hour assistance provider
- Cancellation Enhancement benefit: If your trip cost exceeds \$50,000 per guest and you cancel your cruise vacation due to a covered reason, receive a future cruise credit
- Worldwide Emergency Assistance Program: Provides 24-hour assistance services
- NOTE:** SeabournShield is not available to residents of New York State, Quebec, or Puerto Rico.

DECLINED

Suite **\$76,108.88**

Ocean View Suite Ocean View Suite (A)

Guest 1 **\$38,054**

Guest 2 **\$38,054**

Taxes, Fees & Port Expenses **\$3,890**

SeabournShield **\$8,371.88**

Total \$88,369.88

CHECKOUT

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Decline **Accept All Cookies**

[BACK](#)

65-DAY A WORLD OF ISLANDS
Fri Sep 30 - Mon Dec 5, 2022 2 Guests



1-800-442-4448

Make A Payment

Booking # 0521442

Booking total	\$88,369.88
Amount Received	\$80,106.38
Balance Due (08/12/22)	\$-736.50
Minimum Deposit	\$0

Collapse Room Breakdown

Vista Suite Veranda Suite (V1) Forward 5 514
+ 1,000 Onboard Credits

Guest	Price	Taxes and Fees	Cancel Protection Plan	Total Per Person
1	\$38,054	\$1,945	\$4,185.94	\$44,184.94
2	\$38,054	\$1,945	\$4,185.94	\$44,184.94

Sub Total: **\$-736.50**

Veranda Suite | Veranda Suite (V1)

Veranda Suite is Seabourn's 24-hour service suite. It is located on the main deck and is the most spacious and comfortable suite on board. It features a private veranda, a full bathroom, a kitchenette, and a living area. The suite is perfect for couples or small groups. The suite is located on the main deck and is the most spacious and comfortable suite on board. The suite is perfect for couples or small groups.

Book With Confidence



Injuries sustained on Oct. 15, 2022.



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Amity S. Johnson

Plaintiff(s)

v.

Seabourn Cruise Line

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Seabourn Cruise Line
450 Third Ave. W.
Seattle, WA 98114

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: